



PATENT  
Customer No. 22,852  
Attorney Docket No. 08350.3158

in the united states patent and trademark office

In re Application of: )  
 )  
Robert A. Kagy et al. ) Group Art Unit: 3748  
 )  
Application No. 10/618,737 ) Examiner: CHING CHANG  
 )  
Filed: July 15, 2003 ) Confirmation No. 7261  
 )  
For: CONTROL SYSTEM AND )  
METHOD FOR A VALVE )  
ACTUATOR )

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(c)**

Pursuant to 37 C.F.R. §§ 1.56 and 1.97(c), Applicants bring to the attention of the Examiner the documents on the attached listing. This Information Disclosure Statement is being filed after the events recited in Section 1.97(b), but before the mailing date of either a Final action, Quayle action, or a Notice of Allowance. Under the provisions of 37 C.F.R. § 1.97(c), this Information Disclosure Statement is accompanied by a fee of \$180.00 as specified by Section 1.17(p).

Copies of the listed foreign and non-patent literature documents are attached.  
English abstracts of the non-English documents are enclosed. Copies of the U.S.  
patent publications are not enclosed.

11/16/2004 AWONDAF1 00000005 10618737

01 FC:1806

180.00 DP

Applicants respectfully request that the Examiner consider the listed documents and indicate that they were considered by making appropriate notations on the attached form.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any of the documents as prior art against any claims in the application and applicants determine that the cited documents do not constitute "prior art" under United States law, applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such documents.

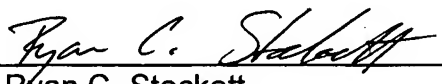
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

If there is any fee due in connection with the filing of this Statement, please charge the fee to our Deposit Account No. 06-0916.

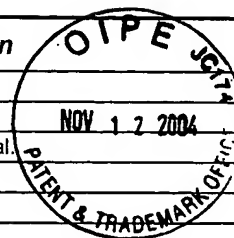
Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: November 12, 2004

By:   
Ryan C. Stockett  
Reg. No. 53,642

Substitute for form 1449A/PTO  <h2 style="text-align: center;">INFORMATION DISCLOSURE STATEMENT BY APPLICANT</h2> <p style="text-align: center;">(Use as many sheets as necessary)</p>			<b>Complete if Known</b>	
			Application Number	10/618,737
			Filing Date	July 15, 2003
			First Named Inventor	Rober A. Kagy et al.
			Art Unit	3748
			Examiner Name	CHING CHANG
Sheet <span style="margin-left: 20px;">1</span> of <span style="margin-left: 20px;">2</span>			Attorney Docket Number	08350.3158



U.S. PATENTS AND PUBLISHED U.S. PATENT APPLICATIONS					
Examiner Initials	Cite No. <sup>1</sup>	Document Number	Issue or Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code <sup>2</sup> (if known)			
		3,250,068	05/10/1966	Vulliamy	
		4,424,790	01/10/1984	Curtill	
		4,561,253	12/31/1985	Curtill	
		4,815,423	03/28/1989	Holmer	
		5,408,979	04/25/1995	Backlund et al.	
		5,445,128	08/29/1995	Letang et al.	
		5,682,854	11/04/1997	Ozawa	
		5,927,075	07/27/1999	Khair	
		6,026,786	02/22/2000	Groff et al.	
		6,082,328	07/04/2000	Meistrick et al.	
		6,170,441	01/09/2001	Haldeman et al.	
		6,209,516	04/03/2001	Yamashita	
		6,237,551	05/29/2001	Macor et al.	
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		6,301,887	10/16/2001	Gorel et al.	
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		6,467,452	10/22/2002	Duffy et al.	
		6,571,765	06/03/2003	Kuboshima et al.	
		6,651,618	11/25/2003	Coleman et al.	
		6,688,280	02/10/2004	Weber et al.	

FOREIGN PATENT DOCUMENTS						
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	Translation <sup>6</sup>
		Country Code <sup>3</sup> Number <sup>4</sup> Kind Code <sup>5</sup> (if known)				
		JP - 05106415 A2	04/27/1993	Toshiaki		ABSTRACT
		JP - 2000145484 A	05/26/2000	Yukihiro		ABSTRACT
		JP - 2000120457 A	04/25/2000	Haruyuki		ABSTRACT
		WO 98/02653 PCT	01/22/98	Bryant		

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			Application Number	10/618,737	
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			Art Unit	3748	
			Examiner Name	CHING CHANG	
Sheet	2	of	2	Attorney Docket Number	08350.3158

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	Translation <sup>6</sup>
		EDWARDS et al., "The Potential of a Combined Miller Cycle and Internal EGR Engine for Future Heavy Duty Truck Applications," The Engineering Society for Advancing Mobility Land Sea Air and Space International, International Congress and Exposition, February 23-26, 1998, pages 1-19	
		OBERT, "Internal Combustion Engines and Air Pollution," Based on Internal Combustion Engines, Third Edition, 1973, pages 612-614	
		CHALLEN et al., "Diesel Engine Reference Book, Section Edition," SAE International, 1999, pages 75, 81, 84, 146, and 263-305	
		Yorihiro Fukuzawa et al., "Development of High Efficiency Miller Cycle Gas Engine", Mitsubishi Heavy Industries, Ltd., Technical Review, vol. 38, No. 3, Oct. 2001, pp. 146-150	
		Request for <i>Inter Partes</i> Reexamination Transmittal Form for US Patent 6,688,280, and Attachment to Request for <i>Inter Partes</i> Reexamination Transmittal Form, September 17, 2004	
		Request for <i>Inter Partes</i> Reexamination Transmittal Form for US Patent 6,651,618, and Attachment to Request for <i>Inter Partes</i> Reexamination Form, August 27, 2004	
		<a href="http://www.mazda.com.au/corpora/209.html">http://www.mazda.com.au/corpora/209.html</a> , Oct. 16, 2001, pg. 1-6.	

Examiner Signature		Date Considered	
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